

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>ROOSEVELT TURNER,</b>	)	
	)	
<b>Defendant.</b>	)	<b>No. 05-CR-30015</b>

**ORDER**

**HERNDON, District Judge:**

**Introduction**

Now before the Court is the Government's motion in limine seeking to admit evidence of Defendant's flight as consciousness of guilt. (Doc. 500.) For the following reasons, the Court **GRANTS** the Government's motion. (Doc. 500.) The Government may introduce evidence of Defendant's flight as evidence of Defendant's consciousness of guilt.

**Analysis**

In the Seventh Circuit, the determination of whether evidence of a defendant's flight is admissible hinges on "the degree of confidence with which four inferences can be drawn: (1) from behavior to flight; (2) from flight to consciousness of guilt; (3) from consciousness of guilt to consciousness of guilt concerning the crime charged;

and (4) from consciousness of guilt concerning the crime charged to actual guilt of the crime charged." ***United States v. Levine, 5 F.3d 1100, 1107 (7th Cir. 1993).***

#### **A. Chronology of Arrests and Court Appearances**

The chronology of arrests and court appearances of the Co-Defendants of this Defendant is set out below. It defies logic that this Defendant did not learn at some time, from some Co-Defendant, that he was named a Defendant as well. Defendant's flight, coupled with Defendant's knowledge that he was charged in the conspiracy with his Co-Defendants and that he was being sought, gives rise to a strong inference of Defendant's guilt.

#### **Chronology<sup>1</sup>**

- 1/19/05 - Kareem Hamilton and Kunte Kinte Goree arrested pursuant to complaint and initial appearance held
- 2/9/05 - Warrant issued on Defendant Roosevelt Turner
- 2/15/05 - Indictment as to all Co-Defendants
- 2/15/05 - Carl Parker, Anthony Watts, Travis Norman, and Anthony Womack appear in court pursuant to arrest for initial appearance
- 2/18/05 - Anthony Womack released on bond
- 3/11/05 - Timothy Weddle appears in court for initial appearance
- 4/13/05 - Jesse Duncan appears in court for initial appearance 4/13/05
- 4/18/05 - Jesse Duncan released on bond

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<sup>1</sup> The individuals discussed within this chronology are all Co-Defendants of Roosevelt Turner.

- 4/25/05 - Bond for Jesse Duncan revoked; Duncan detained
- 10/6/06 - Kunte Kinte Goree pleads guilty
- 10/20/05 - Superseding Indictment
- 10/27/05 - Joe Sharp appears in court for initial appearance; Sharp released on bond
- 11/22/05 - Kareem Hamilton pleads guilty
- 12/09/05 - Charles Tuggle appears in court for initial appearance
- 12/14/05 - Charles Tuggle released on bond
- 1/25/05 - Timothy Weddle pleads guilty
- 1/27/05 - Jesse Duncan pleads guilty
- 2/10/06 - Kunte Kinte Goree sentenced
- 2/14/06 - Anthony Watts pleads guilty
- 3/6/06 - Charles Tuggle pleads guilty
- 3/10/06 - Carl Parker pleads guilty
- 3/13/06 - First jury trial of Anthony Womack begins
- 3/16/06 - Mistrial declared per hung jury in trial of Anthony Womack
- 3/24/06 - Kareem Hamilton sentenced
- 4/03/06 - Second jury trial of Anthony Womack begins
- 4/05/06 - Jury verdict of guilty returned regarding Anthony Womack
- 6/2/06 - Jesse Duncan sentenced
- 6/14/06 - Roosevelt Turner arrested

**B. Additional Facts Giving Rise to an Inference of Defendant Turner's Guilt**

The Court is also presented with an offer of evidence by the Government that within six months after he was indicted Defendant relocated to Bossier, Louisiana where he obtained a state identification card under a false name. Obtaining an identification card with a false name is indicative of Defendant's intent to conceal his real name from legal authorities, suggesting that Defendant knew that there was a warrant out for his arrest. Also, the Government offers evidence that the woman Defendant was keeping company with and in whose name the apartment was rented knew Defendant was a fugitive. The Courts infers that she learned that Defendant was a fugitive from the Defendant. These facts further support a finding that evidence of Defendant's flight should be admissible as evidence of Defendant's guilt.

**Conclusion**

For the foregoing reasons, the Court finds that evidence concerning Defendant's flight to Louisiana may be introduced as evidence of Defendant's guilt. The Government's motion (Doc. 500) is **GRANTED**.

**IT IS SO ORDERED.**

Signed this 20th day of February, 2007.

/s/ David RHerndon  
**United States District Judge**